

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9th DAY OF JULY 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Neal Turner	-Emergency Services Coordinator
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Steve L. Spradlin	-Chair
	John A. Muffo	-Supervisors
	Annette S. Perkins	

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Kipps Farm Property
 2. Prices Fork Elementary School Site

- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Social Services Board

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Doug Marrs		Annette S. Perkins
James D. Politis		Steve L. Spradlin
Mary W. Biggs		

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
James D. Politis		Annette S. Perkins
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
Gary D. Creed
Doug Marrs
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

John A. Muffo
Annette S. Perkins
Steve L. Spradlin

ABSENT DURING MEETING

John A. Muffo
Annette S. Perkins
Steve L. Spradlin

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC ADDRESS

Malvin (Pug) Wells, representing the Elliston Volunteer Fire Department as Chief, and President of the Southwest Virginia Fire Association, spoke in support of the Carilion Life-Guard 11 re-location from Smyth County to Montgomery County. Mr. Wells expressed his appreciation for air medics not only as an emergency worker but as a recent rescuee. He fell down a 45 ft embankment Friday and had to be air lifted to the hospital. Mr. Wells asked the Board to consider supporting Carilion's request.

Susan Smith, Director of Carilion Life -Guard, addressed the Board regarding their request to move the Life-Guard base from Smyth County to Carilion New River Valley Medical Center in Montgomery County. She offered to answer any questions from the Board.

Neal Turner, Montgomery County Emergency Services Coordinator, spoke in support of Carilion Life-Guard 11 request to move its base to Montgomery County. Mr. Turner reported he received letters of support from all four law enforcement agencies and all fire and rescue agencies in the County. He believes this move will be a great asset to the County.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated July 9, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Doug Marrs		Annette S. Perkins
James D. Politis		Steve L. Spradlin
Mary W. Biggs		

Approval of Minutes

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously, the minutes dated June 11, 2007 were approved.

A-FY-08-06 VDOT REVENUE SHARING

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

100	Board of Supervisors	\$70,960
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	
	– Road Maintenance Reserve	\$70,960

Said resolution appropriates a portion of the County's FY 05-06 VDOT Revenue Sharing funds for paving on Pollard Road (SR 644), Union Valley Road (SR 669), and Sunflower Road (SR 729).

**A-FY-08-07
FLOYD LIBRARY
ADJUSTMENT**

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was adjusted for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

720	Floyd Library	(\$74,278)
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The reduction in the source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02720-416156	Contribution from Floyd County (\$74,278)

Said resolution adjusts the appropriation for the Floyd Library.

**A-FY-08-08
OFFICE ON YOUTH
BULLYING PREVENTION GRANT**

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

521	Bullying Prevention Grant	\$64,060
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
25219-424401	Bullying Prevention Grant \$64,060

Said resolution appropriates the Bullying Prevention Grant funds, which will be administered by the Office on Youth.

A-FY-08-09
ELLISTON FIRE DEPARTMENT

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

330	Elliston Fire Department	\$9,666
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02-419108	Recovered Costs
	\$9,666

Said resolution appropriates funds received from the sale of an Elliston Fire Department generator and brush truck.

A-FY-08-10
CLERK OF CIRCUIT COURT
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$5,000)
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TO:

250	Clerk of Circuit Court	\$5,000
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Said resolution transfers appropriated funds from General Contingencies to the Clerk of Circuit Court to cover the cost of 10 new filing cabinets.

A-FY-08-11
REAPPROPRIATION OF ENCUMBRANCES

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

100	Board of Supervisors	\$1,462
110	County Administration	\$6,995
111	EMS Grants	\$16,661
130	Financial and Management Services	\$2,959
140	Information Management Services	\$61,460
152	Assessment	\$3,000
170	Electoral Board	\$2,209
180	Internal Services	\$3,012
220	General District Court	\$283
240	Magistrate	\$577
400	General Services	\$133,895
520	Human Services	\$116
700	Parks and Recreation	\$812
710	Library	\$95,522
720	Floyd Library	\$22,519
800	Planning and GIS	\$1,595
801	Planning Grants	\$265
810	Economic Development	<u>\$8,285</u>
	Total	\$361,627

The source of funds for the foregoing appropriation is as follows:

451205	Designated General Fund Balance	\$361,627
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Said resolution reappropriates monies supporting the balances of outstanding purchase orders from FY 06-07.

A-FY-08-12
COUNTY CAPITAL PROJECTS FUND
REAPPROPRIATION

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

110	New Government Center	\$1,597,815
	Building C Renovation	549,948
	Courthouse Renovation	9,212,345
140	CAMA	13,490
	GIS	72,249
	Tax Integrated Management Information	31,266
	E Government	92,411
	Strategic Technology Plan	29,661
	Mail Server	491
330	Undesignated Fire and Rescue	106,978
	Elliston Fire Department-Pumper	482,835
	Shawsville Rescue – Ambulance	125,000
	Shawsville Rescue – Site Improvement	12,221
	Blacksburg Fire Department-Building	215,000
	Riner Rescue-Building	3,042
	Elliston Fire Department-Building	36,628
400	Animal Control	25,000
	Elliston Bridge	22,036
	Consolidated Sites	32,689
	Athletic Fields	1,978,166
	CJ&S Property Improvements	11,569
	Future Land Purchases	1,411,673
700	Elliston/Lafayette Recreational Park	90,752
	Park Revitalization	3,238
	Frog Pond	15,675
710	Meadowbrook Library	12,590
810	Falling Branch Industrial Park	<u>3,704</u>
	Total	\$16,188,472

The source of funds for the foregoing appropriation is as follows:

Revenue Accounts:

451205	Designated Fund Balance	\$16,188,472
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Said resolution appropriates the available account balances for CIP projects at the end of FY 2006-2007. These balances exclude encumbrances which will be re-appropriated through a second resolution to carry forward funds which support open purchase orders.

A-FY-08-13
COUNTY CAPITAL PROJECTS FUND
REAPPROPRIATION OF ENCUMBRANCES

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

110	New Government Center/Building C	\$35,440
	Courthouse Renovation	\$42,242
140	Integrated Management Information System	\$36,543
330	Fire and Rescue	\$1,601,786
400	General Services	<u>\$38,434</u>
	Total	\$1,754,445

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205	Designated County Capital Projects Fund Balance
	\$1,754,445

Said resolution re-appropriates monies supporting the balances of outstanding purchase orders from FY 06-07.

A-FY-08-14
SCHOOL CAPITAL PROJECTS FUND
REAPPROPRIATION OF PRIOR YEAR BALANCES

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2008 for the function and in the amount as follow:

600	Capital Projects Fund - Schools	\$2,890,214
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451204	Capital Projects Fund Balance
	\$2,890,214

Said resolution re-appropriates the available account balances for School CIP projects at the end of FY 2006-2007.

A-FY-08-14
SCHOOL CAPITAL PROJECTS FUND
REAPPROPRIATION OF PRIOR YEAR BALANCES

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2008 for the function and in the amount as follow:

600	Capital Projects Fund - Schools	\$2,890,214
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451204	Capital Projects Fund Balance	\$2,890,214

Said resolution re-appropriates the available account balances for School CIP projects at the end of FY 2006-2007.

R-FY-08-02
VACATION OF PUBLIC UTILITY EASEMENT
BRIAN & TAMMY OLIVER AND
FREDDIE & DONNA OLIVER

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Plat of Boundary Line Relocation on the Properties of Brian L. Oliver & Tammy M. Oliver and Freddie Lee Oliver & Donna Harris Oliver requests the vacation of a 15' public utility easement on Tax Parcels 51-A-27 and 27A on behalf of the landowners, and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public utility and drainage easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat of Boundary Line Relocation on the Properties of Brian L. Oliver & Tammy M. Oliver and Freddie Lee Oliver & Donna Harris Oliver prepared by Mathews and Henegar Inc. Job No. F211096 dated May 1, 2007), involving Tax Parcels 51-A-27 and 27A (Acct ID# 013808 and 033787 respectively) in the Mt. Tabor Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

R-FY-08-03
RESOLUTION OF APPRECIATION
ADJUSTMENT AND APPEALS BOARD
DARYL E. TOLER

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Daryl E. Toler has served the citizens of Montgomery County as a representative on the Adjustment and Appeals Board since January 26, 1999; and

WHEREAS, The County recognizes the excellent and dedicated service that **Daryl E. Toler** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Daryl E. Toler**.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Daryl E. Toler** and that a copy be made a part of the official Minutes of Montgomery County.

OLD BUSINESS

ORD-FY-08-01
AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY LOCATED AT
2700 MEADOWBROOK DRIVE IN THE TOWN OF BLACKSBURG,
MONTGOMERY COUNTY, VIRGINIA
OWNED BY THE FRIENDS OF THE HUCKLEBERRY, INC.
EXEMPT FROM TAXATION

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Friends of the Huckleberry, Inc. is a non-profit 501(c)(3) corporation formed to foster and promote the general welfare of Montgomery County and the Towns of Blacksburg and Christiansburg through the development and maintenance of public recreational facilities including but not limited to developing and maintaining a public recreational bikeway and trail along the abandoned Huckleberry Railroad within Montgomery County; and

WHEREAS, The Friends of the Huckleberry, Inc., currently owns real estate located at 2700 Meadowbrook Drive in Blacksburg, Virginia; and

WHEREAS, The property located at 2700 Meadowbrook Drive was purchased by the Friends of the Huckleberry, Inc. for the sole purpose of creating a park called the Gateway Park. The property at the time of purchase consisted of approximately 21 acres. The Town of Blacksburg purchased 15.3 acres of the property for the Gateway Park. The remaining 5.6 acres, which has a house, was retained by the Friends of the Huckleberry, Inc. The Friends of the

Huckleberry, Inc. currently rent the property and apply the rent proceeds to pay the mortgage that was obtained to purchase the 5.6 acres. Once the mortgage is paid in full, the 5.6 acres, by Agreement with the Town of Blacksburg, will be conveyed to the Town of Blacksburg as part of the Gateway Park; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance, the real or personal property taxes or both owed by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, The Friends of the Huckleberry, Inc. has requested the Board of Supervisors for exempt status for the real property owned by the Friends of the Huckleberry, Inc. located at 2700 Meadowbrook Drive, that was purchased for a public park; and

WHEREAS, Based on this request, the Board of Supervisors of Montgomery County, Virginia has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain real property owned by the Friends of the Huckleberry, Inc. as exempt from local taxation:

1. Friends of the Huckleberry, Inc. is a private, non-profit 501 (c)(3) organization that is exempt from federal income taxation pursuant to Section 501 (c)(3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to Friends of the Huckleberry, Inc. for use at the property located at 2700 Meadowbrook Drive, Blacksburg, Virginia.
3. No director, officer or employee of the Friends of the Huckleberry, Inc. is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer or employee actually renders.
4. No part of the net earnings of the Friends of the Huckleberry, Inc. inures to the benefit of any individual. A significant portion of the service provided by the Friends of the Huckleberry, Inc. is generated by funds received from donations, contributions or local, state or federal funds.
5. Friends of the Huckleberry, Inc. provide services for the common good of the public.

6. No part of the activities of Friends of the Huckleberry, Inc., involves carrying on propaganda or otherwise attempting to influence legislation. Friends of the Huckleberry, Inc. do not participate in or intervene in any political campaign on behalf of any candidate for public office.

7. The Friends of the Huckleberry, Inc. do not have any rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.

8. In 2007, the real property located at 2700 Meadowbrook Drive is assessed at a value of \$185,700 with a real estate tax liability of \$1,170.00.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. The Friends of the Huckleberry, Inc., a nonprofit organization is hereby designated as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.

2. That the real property located in Montgomery County, Virginia, at 2700 Meadowbrook Drive in the Town of Blacksburg, Virginia, consisting of 5.6 acres, owned by the Friends of the Huckleberry, Inc., and purchased by the Friends of the Huckleberry, Inc., exclusively for public park purposes on a nonprofit basis is hereby designated to be exempt from taxation by Montgomery County. The continuance of the exemption shall be contingent on the continued use of the real property in accordance with the purpose for which the Friends of the Huckleberry, Inc. is designated as a charitable and benevolent organization. The exemption shall be effective until the Friends of the Huckleberry, Inc. no longer qualifies, until the specific use on which the exemption is based ceases, or until revoked by the Board of Supervisors of Montgomery County as provided by law, whichever occurs first.

3. The Friends of the Huckleberry, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1st of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors' Policy Regarding Applications for Tax Exemption by Designation.

The vote on the foregoing ordinance was as follows:

AYE

Doug Marrs
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo
Annette S. Perkins
Steve L. Spradlin

ORD-FY-08-02
AN ORDINANCE AMENDING CHAPTER 1
ENTITLED GENERAL PROVISIONS SECTION 1-6
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA
INCREASING THE COURTHOUSE SECURITY FEE
ASSESSED AS ADDITIONAL COSTS IN CRIMINAL OR TRAFFIC CASES
IN GENERAL DISTRICT AND CIRCUIT COURT
FROM FIVE DOLLARS (\$5.00) TO TEN DOLLARS (\$10.00)

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 1 entitled General Provisions, Section 1-6 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 1-6. Classification of and penalties for violations; continuing violations.

- (a) Whenever in this Code or any other ordinance of the county, or any rules or regulations promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as provided in Code of Virginia, section 18.2-11.
- (b) Whenever in any provision of this Code or in any other ordinance of the county, or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor.
- (c) Notwithstanding any other provision of this section or any other section of this Code or any ordinance, rule or regulation, no penalty for the violation of this Code or other ordinance, rule or regulation of the county shall exceed that prescribed by state law for a like offense.
- (d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.
- (e) The board of supervisors may bring suit in the circuit court to restrain, enjoin or otherwise prevent a violation of this Code.
- (f) Pursuant to section 17.1-281 of the Code of Virginia, 1950, as amended, that a fee of two dollars (\$2.00) is hereby assessed as additional costs in each civil, criminal or traffic case in general district court, juvenile domestic relations court, and circuit court, the proceeds of this assessment shall be used for the construction, renovation or maintenance of courthouse or jail

and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

(g) Pursuant to section 53.1-120 of the Virginia Code, 1950, as amended, a fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) is hereby assessed as additional costs in each criminal or traffic case in general district court and circuit court in which the defendant is convicted of a violation of any statute or ordinance. This assessment shall be collected by the clerk of court in which the case is heard, and remitted to the Montgomery County Treasurer. The board of supervisors shall appropriate these fees to the Montgomery County Sheriff's Office for the funding of courthouse security personnel.

(h) Pursuant to section 15.2-1613.1 of the Virginia Code, 1950, as amended, a processing fee of twenty-five dollars (\$25.00) is hereby assessed on any individual admitted to the Montgomery County Jail following conviction. This processing fee shall be ordered as a part of court costs collected by the clerk of the appropriate court and deposited into the account of the Montgomery County Treasurer. The board of supervisors shall appropriate this processing fee to the Montgomery County Sheriff's Office to defray the costs of processing arrested persons into the Montgomery County Jail.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Gary D. Creed		Annette S. Perkins
Doug Marrs		Steve L. Spradlin
Mary W. Biggs		

Ordinance Amending the Erosion and Sediment Control Fee Schedule

Supervisor Politis made a motion, seconded by Supervisor Marrs to discuss the amended fee schedule for Erosion and Sediment Control.

Supervisor Creed asked for clarification regarding the non-residential fee schedule for subdivision plans that include "phasing". Is each phase subject to a new fee or does the initial fee include the entire plan? Supervisor Creed stated that if the entire plan is included in the initial fee then the county would end up losing revenue. He believes each phase should be deemed separate and charged accordingly.

The County Attorney believes the ordinance as written means there would be only one charge for the complete plan and does not account for any "phasing".

The County Administrator reported he will verify this with the County Engineer and provide a report to the Board.

Supervisor Politis withdrew his motion in order for staff to research this issue.

NEW BUSINESS

**R-FY-08-04
RESOLUTION OF SUPPORT
CARILION LIFE GUARD SERVICE
TO LOCATE IN MONTGOMERY COUNTY**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, Carilion Life-Guard 11 was established in 2005 as a division within Carilion Patient Transportation Services and located at Mountain Empire Airport in Smyth County, Virginia; and

WHEREAS, At its current location the inherent poor weather conditions specific to the airport area restricts the ability to fly; and

WHEREAS, Requests and demand for services has focused east of the airport location; and

WHEREAS, Carilion Patient Transportation Services wishes to move the helicopter location to the Carilion New River Valley Medical Center (CNRVMC) in Montgomery County in order to serve the community in the most effective manner; and

WHEREAS, Locating the Carilion Life Guard 11 to the CNRVMC has been discussed with the New River Valley Emergency Services Coordinators, the Western Virginia EMS Council, the State of Virginia Office of EMS, and the Virginia State Police MedFlight Program; and

WHEREAS, Locating Carilion Life Guard 11 at the CNRVMC will increase the availability of medevac services and reduce response times from 15-20 minutes to 5 minutes; and

WHEREAS, The CNRVMC has committed capital funds for the construction of a base on the grounds of CNRVMC; and

WHEREAS, The Virginia Office of Emergency Services and Regulations requires medevac programs to receive a resolution of support from the local municipality where the helicopter will be based.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports Carilion Patient Transportation Services' plans to relocate the Carilion Life-Guard 11 helicopter base to CNRVMC.

BE IT FURTHER RESOLVED, This resolution of support does not supercede any necessary land use approval required to locate the Carilion Life-Guard 11 at Carilion New River Valley Medical Center.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
James D. Politis		Annette S. Perkins
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		

R-FY-08-05
A RESOLUTION APPROVING
DEED OF LEASE BETWEEN
THE COUNTY OF MONTGOMERY, VIRGINIA
AND THE MOUNTAIN VALLEY
CHARITABLE FOUNDATION, INC.

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Deed of Lease by and between the County of Montgomery, Virginia and the Mountain Valley Charitable Foundation, Inc., for the Meadowbrook Center; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Steve Spradlin, Chairman of the Board of Supervisors, to execute the Deed of Lease on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Doug Marrs		Annette S. Perkins
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		

WORK SESSION

Supervisor Biggs reported that since three Board members were absent, the work session scheduled to discuss a request for private streets on Fort Lewis Mountain, will be rescheduled for August.

COUNTY ADMINISTRATOR'S REPORT

Smart Way Bus Service - Eastern Montgomery County

The County Administrator reported he received additional information from Dave Morgan, Smart Way Bus Service. Mr. Morgan provided a new bus service route, which includes an additional mid-day stop to Shawsville to address the concerns by residents. As previously reported to continue the trial bus service to Shawsville the cost to the County would be \$875 per month. To add the additional stop, for a total of 4 trips, the cost to the County would be \$1,150 per month.

The Board agreed that the trial bus service needs to be continued with the additional mid-day stops in order to determine if the ridership will increase. Board members instructed staff to make sure proper advertising is done on the new route schedule.

R-FY-08-06 SMART WAY BUS SERVICE TO EASTERN MONTGOMERY COUNTY EXTEND TRIAL SERVICE

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the extension of the Smart Way Bus service to Eastern Montgomery County from July 1, 2007 through December 31, 2007 at a cost of \$1,150 per month.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Doug Marrs		Annette S. Perkins
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		

COUNTY ADMINISTRATOR'S REPORT CONTINUED

School Capital Funding The County Administrator reported the School Board provided additional information on the cost for the Blacksburg Stadium as requested by the Board of Supervisors. The initial cost for the Blacksburg Stadium was estimated to be about \$2 million several years ago. The cost of construction has increased by more than 40%. Also, there are a number of requirements associated with the Blacksburg Stadium that the other stadiums didn't have, such as, landscaping and fencing buffers, major earthwork, parking, environmental study, traffic study, noise study, and a new road. The additional cost is estimated at \$1,636,140 which does not include the cost of the land purchase and joint stormwater retention pond.

The County Administrator also explained an advance to proceed with the preliminary engineering and design work for the new Elliston/Lafayette Elementary School is estimated at \$1.5 to \$2 million.

R-FY-08-07
RESOLUTION ADVANCING FUNDS
FOR SCHOOL CAPITAL PROJECTS
BLACKSBURG STADIUM AND
ELLISTON/LAFAYETTE ELEMENTARY SCHOOL

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves advance funding for the Blacksburg Stadium project (\$1.6 million) and the necessary design work for the new Elliston/Lafayette Elementary School (not to exceed \$1.5 million) from the new school construction account.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
James D. Politis		Annette S. Perkins
Doug Marrs		Steve L. Spradlin
Mary W. Biggs		

BOARD MEMBERS' REPORTS

Supervisor Creed made a motion for the County to enter into a Real Estate Agreement with Kipps Farm, LLC.

R-FY-08-08
RESOLUTION APPROVING THE
REAL ESTATE AGREEMENT
AND GROUND LEASE
BETWEEN KIPPS FARM, LLC AND
MONTGOMERY COUNTY

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the amended and restated Real Estate Sales Agreement and the Ground Lease, "By and Between the County of Montgomery and Kipps Farm, LLC" along with any changes that the County Attorney deems necessary to protect our interests.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes Steve Spradlin, it's Chair, to execute the amended and restated Real Estate Sales Agreement and the Ground Lease on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Doug Marrs		Annette S. Perkins
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		

BOARD MEMBERS' REPORTS CONTINUED

Supervisor Biggs reminded Board members there is a Town/County Liaison meeting on Wednesday, July 11, 2007 and if there are any agenda items that Board members want to add please let her or the County Administrator know.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the Board adjourned to Monday, July 23, 2007 at 6:00 p.m.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
James D. Politis		Annette S. Perkins
Gary D. Creed		Steve L. Spradlin
Mary W. Biggs		

The meeting adjourned at 8:00 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator